

§51.56 Guidance from the courts.

In making determinations the Attorney General will be guided by the relevant decisions of the Supreme Court of the United States and of other Federal courts.

§51.57 Relevant factors.

Among the factors the Attorney General will consider in making determinations with respect to the submitted changes affecting voting are the following:

- (a) The extent to which a reasonable and legitimate justification for the change exists;
- (b) The extent to which the jurisdiction followed objective guidelines and fair and conventional procedures in adopting the change;
- (c) The extent to which the jurisdiction afforded members of racial and language minority groups an opportunity to participate in the decision to make the change;
- (d) The extent to which the jurisdiction took the concerns of members of racial and language minority groups into account in making the change; and
- (e) The factors set forth in *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977):
 - (1) Whether the impact of the official action bears more heavily on one race than another;
 - (2) The historical background of the decision;
 - (3) The specific sequence of events leading up to the decision;
 - (4) Whether there are departures from the normal procedural sequence;
 - (5) Whether there are substantive departures from the normal factors considered; and
 - (6) The legislative or administrative history, including contemporaneous statements made by the decision makers.

[Order 3262–2011, 76 FR 21249, Apr. 15, 2011]

§51.58 Representation.

(a) *Introduction.* This section and the sections that follow set forth factors—in addition to those set forth above—that the Attorney General considers in reviewing redistrictings (see §51.59),

changes in electoral systems (see §51.60), and annexations (see §51.61).

(b) *Background factors.* In making determinations with respect to these changes involving voting practices and procedures, the Attorney General will consider as important background information the following factors:

- (1) The extent to which minorities have been denied an equal opportunity to participate meaningfully in the political process in the jurisdiction.
- (2) The extent to which voting in the jurisdiction is racially polarized and election-related activities are racially segregated.
- (3) The extent to which the voter registration and election participation of minority voters have been adversely affected by present or past discrimination.

[52 FR 490, Jan. 6, 1987, as amended by Order 3262–2011, 76 FR 21249, Apr. 15, 2011]

§51.59 Redistricting plans.

(a) *Relevant factors.* In determining whether a submitted redistricting plan has a prohibited purpose or effect the Attorney General, in addition to the factors described above, will consider the following factors (among others):

- (1) The extent to which malapportioned districts deny or abridge the right to vote of minority citizens;
- (2) The extent to which minority voting strength is reduced by the proposed redistricting;
- (3) The extent to which minority concentrations are fragmented among different districts;
- (4) The extent to which minorities are over concentrated in one or more districts;
- (5) The extent to which available alternative plans satisfying the jurisdiction's legitimate governmental interests were considered;
- (6) The extent to which the plan departs from objective redistricting criteria set by the submitting jurisdiction, ignores other relevant factors such as compactness and contiguity, or displays a configuration that inexplicably disregards available natural or artificial boundaries; and
- (7) The extent to which the plan is inconsistent with the jurisdiction's stated redistricting standards.